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COUNSEL FOR PLAINTIFFS

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

MONTANA GREEN PARTY,
DANIELLE BRECK, CHERYL
WOLFE, HARRY C. HOVING,
DOUG CAMPBELL, STEVE KELLY,
ANTONIO MORSETTE TAMARA R.
THOMPSON, and ADRIEN OWEN
WAGNER,

Plaintiffs,

v.

COREY STAPLETON, in his official
capacity as Secretary of State for the
State of Montana,

Defendant.

Cause No. CV-18-87-H-BMM-JTJ

**PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Plaintiffs, by their Counsel, move the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, for an Order directing entry of summary judgment in favor of Plaintiffs and against Defendant, Corey Stapleton, in his official capacity as Secretary of State for the State of Montana, on the cause of action and for the permanent relief sought in Plaintiffs' First Amended Complaint.

This motion is made on the grounds that no genuine triable issue of material fact exists, and that Plaintiffs are entitled to judgment as a matter of law. This motion is based on the Statement of Stipulated Facts, attached to Plaintiffs' Statement of Undisputed Facts as Plaintiffs' Exhibit "1"; Affidavit of Danielle Breck, attached to Plaintiffs' Statement of Undisputed Facts as Plaintiffs' Exhibit "2"; Amended Expert Report of Richard Winger, attached to Plaintiffs' Statement of Undisputed Facts as Plaintiffs' Exhibit "3"; Deposition of Richard Winger, attached to Plaintiffs' Statement of Undisputed Facts as Plaintiffs' Exhibit "4"; Answer of Defendant Corey Stapleton, attached to Plaintiffs' Statement of Undisputed Facts as Plaintiffs' Exhibit "5"; Deposition of Danielle Breck, attached to Plaintiffs' Statement of Undisputed Facts as Plaintiffs' Exhibit "6"; 2020 Primary and General Election Calendar, Montana Secretary of State, attached to Plaintiffs' Statement of Undisputed Facts as Plaintiffs' Exhibit "7"; Findings of Fact, Conclusions of Law, and Order filed on July 9, 2018, in *Larson, et al. v. State*

of Montana, etc., in Cause No. DDV-2018-295, Montana First Judicial District Court, Lewis and Clark County, attached to Plaintiffs' Statement of Undisputed Facts as Plaintiffs' Exhibit "8"; and Order filed on August 21, 2018, in Larson, et al. v. State of Montana, etc., in Case No. DA 18-0414, in the Supreme Court of the State of Montana, attached to Plaintiffs' Statement of Undisputed Facts as Plaintiffs' Exhibit "9"; Pages 1 and 10 of the Opinion in the Supreme Court of the State of Montana, Case No. DA-18-0414, 2019 MT 28 (January 30, 2019), attached to Plaintiffs' Statement of Undisputed Facts as Plaintiffs' Exhibit "10"; and on the files and pleadings in this proceeding.

Respectfully submitted this 18th day of September, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, using cm/ecf system.

Participants in the case who are registered cm/ecf users will be served by the cm/ecf system.

Dated: September 18, 2019

/s/ James C. Linger